



**UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN**

OFFICE OF THE PRESIDENT

UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 • Fax: (671) 734-2296

June 05, 2007

Dr. Ye-Kyoung Kim
1445 Neil Ave Apt. #1
Columbus, OH 43201

Dear Dr. Kim:

I am pleased to inform you that I have approved your appointment as an Assistant Professor, Level III, Step 7, \$43,031.00 per academic year on a three year, tenure track appointment with the College of Professional Studies/School of Education. This is, however, conditional for the University still needs your official graduate transcripts sent directly from Ohio State University. Until it is received, your appointment will not be considered finalized.

Enclosed is the employment agreement for your signature. Please affix your signature on the last page of the employment agreement directly above your name. Your appointment is to be effective August 13, 2007 or upon the assumption of your duties as officially certified by the University. Should you decide to accept the appointment, you must return the enclosed agreement to the University of Guam Human Resources Office postmarked no later than seven (7) calendar days after you have received it; otherwise, the employment agreement will be declared null and void.

With respect to recruitment benefits, I am delighted to advise you of a current policy that allows for two weeks of paid hotel accommodations and rental of a car if you arrive at least one week prior to the reporting date. If you are unable to arrive one week prior to the reporting date the University will reduce this benefit accordingly, but will still provide you a minimum of one week's benefit regardless of arrival date. Reservations and selection of hotel and car rental agency will be made by the University.

The University will provide, transportation from Columbus, OH the point of recruitment to Guam (subject to other terms and provisions of the Agreement) for you and (ii) shipment from point of hire to Guam of authorized household effects up to One Thousand Seven Hundred Fifty (1,750) pounds, packed and crated.

A U.S. Land Grant Institution accredited by the Western Association of Schools & Colleges
The University of Guam is an Equal Opportunity Employer and Provider.

Page 2
Dr. Ye-Kyoung Kim
June 05, 2007

These provisions are subject to the conditions outlined in Section II of the enclosed employment agreement.

Guam's current recruitment law requires college or university employees to undergo a physical examination, to include a test for tuberculosis (skin or x-ray), prior to employment and at least annually thereafter. A report of such examination must be conducted by a licensed physician within a state or territory of the United States and must be submitted upon request. For your convenience, the Medical Examination and Tuberculosis Screening Forms are enclosed.

I have enclosed documents to acquaint you to Guam and its University.

If you have any questions or need assistance, please do not hesitate to contact me.

Sincerely,



HAROLD L. ALLEN
President

Enclosures

cc: Senior Vice President, Academic and Student Affairs
Dean, College of Professional Studies
Human Resources Office
Dr. Ye-Kyoung Kim Personnel Jacket

----- Original Message -----

From: [Dr. Vivian Dames](#)

To: [Ye-Kyoung Kim](#)

Sent: Wednesday, May 23, 2007 5:09 PM

Subject: Re: TESOL/IT Faculty Position at the University of Guam

Dear Dr. Kim:

I brought the problem to which you refer to the attention of HRO. Meanwhile I am attaching the UOG faculty salary schedule for your review. Please pay particular attention to the salary steps for the rank of assistant professor for which you qualify. Given your credentials and employment history it would be helpful if you let me know what your salary expectation is for this faculty position. Please keep in mind that your base salary is for a 9 month appointment. SOE faculty may request to augment their income by teaching an 'overload' course during the Fall and/or Spring semester and/or teach a course during the winter and/or summer intercession. Overload courses pay \$3,000 (for faculty with a doctorate) with a minimum enrollment of 13 students (for undergrad courses); five for grad courses. I anticipate a growing demand for the courses that you will be teaching.

I trust you will find this helpful.

I will call you between 8-8:30 a.m. Guam time (or between 6:00-6:30 p.m. Columbus, Ohio time). Please note that this would be Thursday morning here, Wednesday evening there.

Sincerely,

Vivian Dames

University of Guam PERSONNEL ACTION

UG-1
Rev 1/05

1. NAME (First, Middle, Last) Ye-Kyoung Kim			2. SOCIAL SECURITY NUMBER: 285-04-5553			3. UOG NUMBER: UG1-0689-07		
4. ADDRESS (Give Zip Code for Mailing Address) 1445 Neil Ave. Apt #1 Columbus, OH 43201			5. LEGAL AUTHORITY Public Law 19-40 Public Law 23-26			6. ACCOUNT NUMBER: 10B692001N50121 (CPSL)		
7. NATURE OF ACTION Contractual Appointment (Tenure-Track) Full-Time Employee			8. EFFECTIVE DATE 08/13/2007			9. EMPLOYMENT PERIOD FROM 08/13/2007 TO 05/21/2010		
FROM			POSITION TITLE Assistant Professor					
10. GRADE/LEVEL	11. STEP	12. PER HR	SALARY			15. GRADE/LEVEL	16. STEP	17. PER HR
						III	7	
13. PER ACADEMIC YR	14. PER ANNUM					18. PER ACADEMIC YR	19. PER ANNUM	
						\$43,031.00		
			COLLEGE/UNIT			Academic and Student Affairs		
			SECTION			School of Education		
			OTHER AGENCY					
20. RETIREMENT (HRO USE ONLY)			21. HEALTH INSURANCE (HRO USE ONLY)			22. LIFE INSURANCE (HRO USE ONLY)		
A. DC <input checked="" type="checkbox"/> C. DB ()			MED. Y <input checked="" type="checkbox"/> N			Y <input checked="" type="checkbox"/> N		
B. DB <input type="checkbox"/> D. SOCSEC <input type="checkbox"/>			DEN. Y <input checked="" type="checkbox"/> N			ENTITLEMENT		

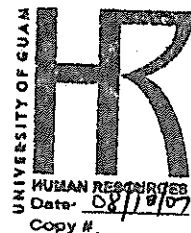
23. Remarks: (Note: PERSONNEL ACTIONS FOR NON-ACADEMIC EMPLOYEES ARE SUBJECT TO POST AUDIT BY THE CIVIL SERVICE COMMISSION)

Authority:

This EMPLOYMENT is subject to the approval of the President of the University and shall not be binding upon the University unless it is approved by the President. Approval by any University Officer other than the President shall not constitute approval by the President and shall not bind the University to any obligations.

Entitled to all fringe benefits.

Subject to the availability of funds.



24. CHRO (Human Resources) JOHNNY ANGOCO, CHIEF HUMAN RESOURCES OFFICER	Date: 8/13/07
25. Senior Vice President HELEN D. WHIPPY, ACADEMIC & STUDENT AFFAIRS	Date: 8/14/07
26. President HAROLD E. ALLEN	Date: 8/14/07
27. Employee Ye Kyoung Kim	Date: 8/14/07
28. Retirement Office	Date:

Distribution: HUMAN RESOURCES OFFICE / PAYROLL OFFICE / EMPLOYEE / COLLEGE-UNIT HEAD / EEO OFFICE / CIVIL SERVICE COMMISSION / RETIREMENT

Re: My letter of recommendation for you (Oops ! forgot to attach the file)

From: Velma Sablan (sablanva@gmail.com)

To: yekyoung_kim@yahoo.com

Date: Wednesday, February 25, 2009 at 02:18 AM GMT+9

Ye-Kyoung,

I simply can't believe what you shared!!! If your reappointment committee has not even been formed, you really need to write a formal letter to the Union Rep telling them that is happening, you need to do this immediately, otherwise the administration could view your inaction as indifference to continued employment at UOG. I'm so very sorry this is happening, but you must defend yourself. Ye-Kyoung, may I forward your letter to Dr. Helen Whippy so that she will know (through me) what is happening? Please let me know.

I agree, if Dr. Leddy is not going to compensate you for the course, don't agree to take it. He told me that you do not have a full load this term, is this correct? If so, technically, he can ask you to take over, but you are still within your right to disagree since it is late in term and this assignment was not discussed with you at the beginning of the term. This is further substantiated by the fact that I had informed him from the beginning of the semester that I could be on extended medical leave, so he knew that there may be a problem. However, if you do decide to teach the course, I will help out as much as possible. Whichever way you decide, I will understand and respect your decision.

Velma

On Tue, Feb 24, 2009 at 2:30 AM, Ye-Kyoung Kim <yekyoung_kim@yahoo.com> wrote:

Velma,

There are still uncertain things going on around me, including my application to Reappointment to SOE. According to Benit, the 10-day effective business day for appointing/composing my Ad-hoc committee is already expired and I need to file a complaint.

Just another disappointment...I do not want to complain any thing any more to anybody.

With regard to ED600, not to mention the student evaluation, Patrick said that he is not going to pay me for teaching the class and I would not consider taking over your class in the middle of the semester. Although he talked about the ethics of collegiality... Take care.

yekyoung

From: Velma Sablan <sablanva@gmail.com>

To: Ye-Kyoung Kim <yekyoung_kim@yahoo.com>

Sent: Tuesday, February 24, 2009 4:27:14 PM

Subject: Re: My letter of recommendation for you (Oops ! forgot to attach the file)

Dear Ye-Kyoung,

Thank you for your support. I really do appreciate it. How are things at SOE?

I heard from Dr. Leddy that he had talked with you about taking over my ED600 class but were concerned about how the student evaluations would be handled. I recommended that he consider NOT doing a faculty evaluation for this course since we had to change the instructor in mid-term. I've not heard back from him, but rest assured that if you opt not to do the course, I will completely understand given the circumstances you've had to deal with regarding your student evaluations.

How is your student grievance process doing? Also, what is the status of your reappointment?

The students evaluation of your guest lecture was quite positive, they enjoyed your presentations, especially the interactive session at the end.

Velma

On Mon, Feb 23, 2009 at 11:23 PM, Ye-Kyoung Kim <yekyoung_kim@yahoo.com> wrote:

Velma,

How are you? The letter was submitted to the HRO. Just a note that Larry is off-island until March 4th. Take care.

yekyoung

From: Velma Sablan <sablanva@gmail.com>

To: Ye-Kyoung Kim <yekyoung_kim@yahoo.com>

Sent: Thursday, February 19, 2009 3:29:19 PM

Subject: Re: My letter of recommendation for you (Oops ! forgot to attach the file)

Hello Ye-Kyoung,

I located the letter and reviewed it, I made some minor edits, please review. Thank you for your kind words of support. If selected to be Dean, I promise I will do all that I can to move SOE forward with integrity, collaborative partnership with our faculty, and to continue to mentor talented professors like yourself.

If Leddy assigns you to take over my ED600 class, I would like to talk with you via email regarding the community project students are to do for the course. But, let's wait until Leddy gives you the word on the course.

I go to the doctor in the morning, wish me luck as I struggle to get healthy and back to normal again. Hey, I have an idea, when I get home, would you like to be my exercise partner? Did you know that our SelectCare insurance gives us fee membership at the Paradise Fitness Center? I guess you since you go regularly. By the way, did you ever go to lunch with the former Senator?

Velma

On Sun, Feb 15, 2009 at 11:58 AM, Ye-Kyoung Kim <yekyoung_kim@yahoo.com> wrote:

Hi Velma,

Here it is.

yekyoung

From: Ye-Kyoung Kim <yekyoung_kim@yahoo.com>

To: Velma Sablan <sablanva@gmail.com>

Sent: Monday, February 16, 2009 2:56:05 AM

Subject: Re: My letter of recommendation for you

Hi Velma,

How is everything with you? I hope your surgery is successful and you are healthy.

Can you please check the attached letter of recommendation and give me some feedback. Otherwise, I will send the letter to Larry Kody on Monday. Thank you and Take care.

PS: By the way, when is the deadline for the application for the position?

yekyoung

From: Velma Sablan <sablanva@gmail.com>

To: Ye-Kyoung Kim <yekyoung_kim@yahoo.com>; Ye Kyoung Kim <ykim@uguam.uog.edu>

Sent: Thursday, February 12, 2009 10:43:45 AM

Subject: Guest Lecture for ED600

Greetings from California Ye-Kyoung,

Just a quick reminder not to forget the guest lecture for ED600 next week Tuesday, Feb. 17, 4pm at Warehouse A, Rm. 2. Attached is course schedule for your information.

Things are moving along here, I go back to the hospital tomorrow. More on this later.

Velma

PS How did your grievance hearing go?

Re: Corrections to Reappointment Procedures document

From: Benit Dungca (benit_dungca@yahoo.com)

To: yekyoung_kim@yahoo.com

Date: Thursday, February 26, 2009 at 07:18 AM GMT+9

D. Kim,

Good information. Reason for you to push the issue of having a self-elected representative, self-appointed chair, and irresponsible member of your Reappointment Committee to get things going. His self-appointment brought the issue of "impasse" to the process in your reappointment. Let me know what else you would like for me to do. Benit

From: Ye-Kyoung Kim <yekyoung_kim@yahoo.com>

To: benit_dungca@yahoo.com

Sent: Wednesday, February 25, 2009 4:46:07 PM

Subject: Fw: Corrections to Reappointment Procedures document

Benit,

Please check the attached document.

yk

----- Forwarded Message -----

From: Don Platt <plattdd@teleguam.net>

To: Donald L. Platt <plattdd@teleguam.net>

Sent: Saturday, February 14, 2009 3:11:24 PM

Subject: Corrections to Reappointment Procedures document

UOG Faculty,

Attached is a PDF copy of UOG's Reappointment Procedures with some corrections made today in concurrence with SVP Whippy.

The changes consisted of correcting the date and name of BOR/Faculty Union Agreement in effect since March 1, 2008 (the corrections are in the last two paragraphs just before Section F on page 3).

Also, for those serving this semester on Reappointment Committees for faculty who started tenure-track contracts in Fall 2007, I would just like to remind you that Reappointment Committee recommendations are due to the appropriate Dean or Director no later than 30 business days before May 1, 2009 (that is, by 5 PM, March 12, 2009).

Don

Minority Report on the Reappointment Committee for Dr. Kim

From: Benit Dungca (benit_dungca@yahoo.com)

To: greyleddy@yahoo.com; yekyoung_kim@yahoo.com

Date: Sunday, April 5, 2009 at 01:44 PM GMT+9

Dr. Leddy.

Attached is my Minority Report re Dr. Kim's Reappointment.

I apologize for sending this Minority Report today Sunday instead of Friday.

After the the nine days of rosary and mass every night, the family viewing and the funeral on Friday, I was too exhausted to complete the report by Friday.

I appraised Dr. Kim of my situation Saturday morning before my class and I will be sending the Minority to her today, too.

Thank you.

Benit Camacho_Dungca
Selected Member



Minority Report.docx
22.4kB

Minority Report
on the
Reappointment of Dr. Ye-Kyoung Kim
by
Dr. Benit Camacho-Dungca
Selected Representative

A. Rationale for the Minority Report

On March 30, 2009 at about 4:05 p.m., the Acting Dean's appointee and Chair to the committee, and the TEPS representative member decided that they "do not want to meet anymore " because they do not want to continue the discussion on my issue about the substantiation of items on the report. It is very clear to me that under F.2& RP. According to the RP.F Under FACULTY RIGHTS WHILE UNDERGOING RE-APPOINTMENT REVIEW RP.7 The two members agreed to end the meeting and left. The chair reminded me that I can write a minority report.

This is the fourth meeting of the committee. Three of these meetings were cut very short for the following reasons:

1. The TEPS representative did not have a written assessment of the evaluation package presented by Dr. Kim which was requested by the Chair, Dr. Inoue.
2. The TEPS representative only have a few minutes to spare because of another commitment.
3. The TEPS representative and the Dean's appointee did not want to meet anymore.

As the selected member by Dr. Kim to represent her on the committee, I am writing this **Minority Report** to account for my responsibility "for following procedures and ensuring faculty rights while undergoing reappointment" (RP, C.3, ¶3)

B. Membership of the Reappointment Committee

1. Dr. Benit Camacho-Dungca
selected by Dr. Kim
2. Dr. Lawrence Kodiyanplakkal
supposed to be elected (C.1), but before the call for formal election, he declared himself nominated, then at the improper " formal" election he only had 4/9 votes on the formal voting process but still declared himself the winner.
3. Dr. Yuki Inoue

Chosen by the Acting Dean from FERS division, who is also Chair of the Division, despite the fact that several members of TEPS who meet the criteria for selection (C.3.¶2). Incidentally, how could there be two members to choose a third member or even reach an impasse when the alleged TEPS representative was never properly elected?

C. Background

Dr. Ye_Kyoung Kim graduated with a Ph.D. from the Ohio State University in Columbus, Ohio in 2006. She came to us as a Graduate Research Associate that started as a Graduate Assistant, Graduate Researcher, and Graduate Teaching Associate for a period extending over a period of almost a decade.

Before coming to the University of Guam, she published in TESOL Newsletter, presented in referred AERA meetings, invited to be a presenter at the TESOL Conference. She also attended International Conferences at ACTFL in Baltimore, Maryland, and several IT conferences regionally. Dr. Kim also volunteered as a High School of ESL teacher teaching 9th - 12th graders. She served as consultant for a San Francisco Company, served as Committee member as an editorial board, Executive Board, Curriculum/Program and Council of Graduate Students, attended a number of different professional development activities. She was a Webmaster, a swimming instructor, Art teacher, and a world traveler who visited 20 countries. She speaks four different languages in different levels of proficiency. She has numerous honors, awards and grants to include the Outstanding Master's thesis. She is a member of three outstanding Professional Association/ Membership- AERA, ACTFL and TESOL.

A German-based publisher just recently contacted Dr. Kim to express an interest in publishing her dissertation as a book.

D. CFES Professional Activities and Accomplishments

Teaching- 60%

Dr. Kim developed a philosophy of teaching which she carried out in her classroom and all pedagogical activities. She implemented innovative and inventive curricular instructional approaches. She mentored her students in projects that focus on local needs for learning, teaching and assessment. She advises students at different levels by using flexible and interactive activities.

The perennial program low enrollment before her employment caused the assignment of Dr. Kim to teach out of her program area. She taught a freshman level course, a senior level course, and a graduate course. She was assigned an NCATE TASK to fill her fte load and offered a Student Teaching overload, but requested not to continue the appointment because of the continued changes of assigned student candidates in the Early Childhood program.

There was a problems with the student evaluation in one of her courses, the SVP reviewed the situation and resolved the matter where the evaluation was corrected to favor Dr. Kim positively. On the other upper level course evaluation showed Dr. Kim's ranking at 3.76 above both the school's and the university ranks. However, she is at about 47% drop out rate. Her Administrator indicated that she needs to take this matter as a reflection to improve her teaching.

The syllabi for her courses were developed to meet the NCATE requirements. It also shows her stringent requirements, perhaps a possible reason for the drop-out rate.

The Executive Director approved faculty salary increment for satisfactory performance for AY 2007 -2008.

There were several highly emotional negative charges made by one student in her evaluation by the students, however, others evaluated her positively as a reflection on her to be a knowledgeable scholar, an excellent communicator, and a reflective decision maker.

In my professional assessment of Dr. Kim's efforts in teaching, I believe she meets the criterion satisfactorily.

Research 20%

Dr. Kim has many ongoing research projects some ready for publication. She presented at AERA and TESOL conferences internationally and locally. She wrote a comprehensive paper for the SOE NCATE assessment committee which was quoted in the NCATE presentation and reports.

No evaluation by the Executive Director, but approved faculty salary increment for satisfactory performance for AY 2007 -2008.

All her research efforts suffices the criterion satisfactorily.

Service 20%

Dr. Kim serve the three areas of service -the school community, the university community and the general community. She serves as the Coordinator for her program both the undergraduate and graduate level. She is the Academic advisor for the TESOL M.Ed. program, and a member of the SOE NCATE assessment committee. She is a member of the Student Discipline and Appeal Committee. She is a member of the Tri-College for the Micronesian Language Institute.

No evaluation from the Executive Director, but approved faculty salary increment for satisfactory performance for AY 2007 -2008

Dr. Kim met the criterion for service satisfactorily

Recommendation

Dr. Kim came to the University as a scholar to a program that was fledging for more than a decade now. The lack of academic leadership for the school exacerbated by the DI program in the GPPS puts Dr. Kim at a great disadvantage about the enrollment issue. Nonetheless, Dr. Kim met all the CFES requirements satisfactorily and thus I am strongly recommending that D. Kim be granted a reappointment.

Provided with a mentor that will show her the difference between the Ohio State culture intertwine with her Asian culture. I am thoroughly convince that Dr. Kim will make an excellent addition to our University. She is a very knowledgeable. an excellent communicator, and a reflective decision maker and with the understanding of the cultural differences of Ohio State University and the University of Guam blended with the understanding of the culture of Guam, her disposition will be greatly improved.

I am also recommending that the parsimonious statements made in the **Majority Report** be carefully reviewed vis-a-vis Dr. Kim's "....right to be evaluated only on substantiated information." (RP, F.2) and "....right to have the ad hoc appointment committee consider only materials that by their content honor the University's legal and moral commitment to nondiscrimination." (RP.F.3)

Dr. Benit Camacho-Dungca

Selected by Dr. Kim to the Reappointment Committee

April 5. 2009

SOMERFLECK & ASSOCIATES, PLLC

148 Hernan Cortez Avenue
Hagåtña, Guam 96910
Telephone No.: (671) 477-8020
Facsimile No.: (671)477-8019

May 13, 2009

VIA HAND DELIVERY

Dr. Helen Whippy, SVP
Academic and Student Affairs
UNIVERSITY OF GUAM
UOG Station
Mangilao, Guam 96923

Re: Dr. Ye-Kyoung Kim, Assistant Professor, School of Education.

Dear Dr. Whippy:

I have been retained by Dr. Ye-Young Kim, Assistant Professor, School of Education regarding recent events related to her reappointment at the University of Guam. In review of the Negotiated Agreement between the Board of Regents of the University of Guam and the UOG Faculty Union (hereinafter referred to as "Negotiated Agreement") reveals Article V of that agreement puts forward that the process for Faculty Reappointment Procedures are to be created by the administration. The administrative process as I understand them currently are last reissued and revised Spring 2006 and I attached such Reappointment Procedures hereto. For reasons I do not understand, the University of Guam has violated my client's rights by failing to provide the process due and required under its Reappointment Procedures. As will be discussed further, it is Dr. Kim's position these violations are not of a nature that can be corrected without the entire process being started anew and with assurances that Dr. Kim's right to due process as provided in the Reappointment Procedures are protected.

Review of the facts regarding Dr. Kim's reappointment clearly shows that at a number of steps through the process due Dr. Kim were conducted contrary to the reappointment process. Dr. Kim timely requested reappointment. Unfortunately, from that point forward, the procedures for reappointment were not followed. First the formation of the ad hoc reappointment committee was not formed by the process provided in the procedures; in that, Dr. Kim's faculty unit did not elect by majority votes one member from the unit. Also, the two committee members did not name a third member but was chosen by the Acting Dean of the FERHS Division. Second, in the Procedures for Reappointment Section F Faculty Rights, it provides at each step to "review and comment" prior to the material going to the next administrative level. Dr. Kim was not provided this opportunity after

the ad hoc final report or Dr. Leddy's report. Dr. Kim was reassured by your actions of not reviewing the materials until she was able to provide comment, but that does not remove the prior loss of opportunity and denial of due process. Finally and most disturbing is that the process continued after the ad hoc committee majority report made no recommendation regarding reappointment.

Perhaps the process due Dr. Kim was not followed because of time constraints (I noticed the ad hoc report was not timely filed); however a central concept of due process is that where process and provided it must be followed. This was not the case in the Reappointment Process for Dr. Kim with a properly formed committee, the opportunity to respond, a recommendation to respond to, and Dr. Kim's procedural due process rights have been violated. In an effort to research amenable resolution of this violation of her rights, Dr. Kim simply requests that the reconsideration process be repeated in a way that ensures her rights are not violated. Should you decide to proceed forward with the reappointment process, in order to preserve her objection to the recommendation of Dr, Leddy in separate envelope are Dr. Kims statement refuting Dr. Leddy's letter.

Sincerely,

Daniel S. Somerfleck, Esq.

DATE: September 10, 2009

TO: EEOC Office

FROM: Dr. Ye-Kyoung Kim, Assistant Professor
School of Education

RE: EEOC Complaint

I believe that I have been discriminated against based upon my sex, race and national origin by the University of Guam ("U.O.G.") causing me great harm to my reputation, career, and continued employment at that institution.

Upon completed my doctoral studies at Ohio State University, I began to seek employment at educational institutes including the University of Guam. Having a strong background in foreign and second language, I applied for a position at the University of Guam (see Position Solicitation Attachment "1"). Please see my Resume and References attached hereto as Attachment "2".

On May 30, 2007, I was informed that I was offered a tenure track appointment as a TESOL-IT Faculty in the University of Guam School of Education. On June 5, 2007, I received an Employment Agreement from the University of Guam (see Attachment "3").

Upon accepting the position, I began employment on August 13, 2007. Upon starting at U.O.G., I have been being treated differently from other first year Assistant Professors as I was given a very heavy course load of seven classes as compared to three. Also, I was provided little, if any, guidance from my purported administrator, Dr. Leddy, Acting Director of the School of Education. I was provided little, if any, guidance in negotiating all the requirements that a first year junior faculty member is required to perform.

After the first semester I discovered one employee who was less qualified with no Ph.D was receiving the same academic rank and compensation and another employee with a Ph.D receiving the same academic rank with higher compensation. I brought this to the attention of the AFT Union Chair whom on my behalf brought this concern to the attention of Dr. Roy Tsuda, Acting Senior Vice-President. In Dr. Tsuda's April 14, 2008 response, it was agreed that a less qualified non-Korean was paid equal to me and a comparable non-Korean received greater steps in pay than was allowed. It was agreed that should not have occurred. However, it was also stated that it is U.O.G. policy that I should not have been hired at the step I was hired at. The University of Guam failed to remedy its shortcomings. See Attachment "4".

Prior to the start of the next academic school year, I was informed that I would no longer be in charge of the current and new graduate candidates of the TESOL program. See Attachment "5". As well as I was informed that I would be moved from the Department of Teacher Education and Public Services to the Foundation of Education and Research Services and was replaced as the Chair of the TESOL program by Dr. Catherine Stoicovy who is the Chair of Language and Literacy.

At the start of the 2008-2009 academic school year, I felt Dr. Leddy was increasingly distant. I began to notice and felt required to respond when Dr. Leddy made comments regarding Korean women and women in general. These statement came from my direct supervisor Dr. Patrick Leddy, Acting Dean of the School of Education during and after faculty meetings. The comments included: Korean women are all the same, once they are married, they become tough and wild; Cooking is a women's job; and the way I talk is not a western style; as well as references to my immigration status. The statements went along the lines that's why you've never married.

At the same time, I began to notice that I was not being invited to the typical regular academic activities such as faculty meetings, Academic Advisements, and email discussions/messages; I was also not given instructional equipment (e.g. projector cart). I have since learned that this has continued even though I represented to Dr. Leddy my email address. I was excluded from notification regarding faculty meetings, academic advisement, and student orientation examples of which are attached hereto as Attachment "6". In addition, I was not given the opportunity to plan course schedules and teach extra courses for extra income that other faculty members were given.

Upon submitting my request for reappointment in January, 2009, the University of Guam proceeded to evaluate my application for reappointment in a discriminatory fashion resulting in one member of the ADHOC Review Committee submitting a minority report. Please see the University of Guam Reappointment Procedures evaluated and prepared by the ADHOC Review Committee attached as Attachment "7".

Since submittal of my reappointment package and even prior thereto in January 2009, I became increasingly concerned that student evaluation data of my teaching abilities was not being accurately gathered and maintained. Following the end of the 2009 school year, it became clear that teacher evaluation data regarding my teaching was not being accurately maintained. See Attachment "8" referencing failure to conduct and maintain students evaluations.

I am currently still under the reappointment procedures as no final determination has been made although prior to the end of the school year, I informed the University of Guam management of my intent to file an EEOC Complaint. Since that time, I have been subject to reprisals by U.O.G. including not being provided summer, 2009 teaching assignments. That U.O.G.'s actions amount to a continuing violation of my rights which commutative impact upon me was not revealed until my request for reappointment and for the re-review of compensation.

Respectfully,

Ye-Kyoung Kim, PhD



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Los Angeles District Office

255 E. Temple Street, 4th Floor
Los Angeles, CA 90012
(213) 894-1000
TTY (213) 894-1121
FAX (213) 894-1118

SETTLEMENT AGREEMENT
EEOC Charge Number: 486-2010-00001

Charging Party: Ye-Kyoung Kim

Respondent: University of Guam

1. In exchange for the promises made by Respondent pursuant to Charge Number 486-2010-00001, Charging Party agrees not to institute a lawsuit under Title VII of the Civil Rights Act of 1964 (Title VII), as amended, the Equal Pay Act (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), as amended, or the Americans with Disabilities Act of 1990 (ADA), as amended, based on EEOC Charge Number 486-2010-00001.
2. Further, the parties agree that submission of this agreement to EEOC will constitute a request for closure of EEOC Charge Number 486-2010-00001.
3. It is understood that this agreement does not constitute an admission by Respondent of any violation of Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act, the Age Discrimination in Employment Act of 1967 as amended, or the Americans with Disabilities Act of 1990, as amended.
4. Respondent agrees that there shall be no discrimination or retaliation of any kind against the Charging Party as a result of filing this charge or against any person because of opposition to any practice deemed illegal under Title VII, the EPA, the ADEA, or the ADA, as a result of filing this charge, or for giving testimony, assistance or participating in any manner in an investigation, proceeding or a hearing under the aforementioned Acts.

SETTLEMENT AGREEMENT

EEOC Charge Number 486-2010-00001

Page Two (2)

5. This document constitutes a final and complete statement of the agreement between the parties.
6. The parties agree that the government is authorized to investigate compliance with this Agreement and that this Agreement may be specifically enforced in court by the government or the parties and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.
7. As evidence of a good faith effort to resolve EEOC Charge Number 486-2010-00001, the parties agree:
 - a.) Respondent shall expunge the Charging Party's official personnel file, with the exception of the following:
 - (1) application and curriculum vitae; (2) offer letter, contract and acceptance; (3) UG-1s and UG-2s; and (4) letter of resignation.
 - b.) Respondent shall provide a letter of reference from the University in the form attached as Exhibit "A".
 - c.) Respondent shall pay the sum of Thirty Five Thousand Dollars (\$35000.00) without any deductions, no later ~~from~~ than ten (10)^{business} days from execution of this Agreement.
 - d.) The Charging Party shall tender her resignation letter upon execution of this Agreement by all parties. (Exhibit B)
 - e. The parties both agree that the resolution remain confidential except as required by law.

Page Three (3)

By: Helen Whippy
Respondent

1/12/2010
Date

Ye Kypung Kim
Charging Party

1/12/2010
Date

On Behalf of the Commission:

Date _____

Exhibit "A"

To Whom it May Concern:

Dr. Ye - Kyoung Kim worked as a faculty member at the University of Guam from 2007-2009. During this time, Dr. Kim performed her duties as expected and upheld high academic standards.

There were several students, especially at the graduate level, who praised her teaching. In the area of University service, Dr. Kim designed the NCATE assessment system for SOE which contributed to obtaining NCATE Accreditation. As part of her service, Dr. Kim consulted in ESH curriculum design and certificate with Guam DOE and other programs.

Dr. Kim presented 20 research studies to local and international meetings with her undergraduate and graduate students.

I recommend her for a faculty position at a University. Please do not hesitate to contact me if you would like more information.

/s/ DW Whigg
1/12/10

Exhibit "B"

January 12, 2010

Dr. Robert Underwood
President
University of Guam

Dear Dr. Underwood :

It has been my pleasure to work at
the university of Guam. for the past 2.5
years. ~~Due~~ Due to personal reasons,

I herein tender my resignation effective
today, January 12, 2010.

Best regard,

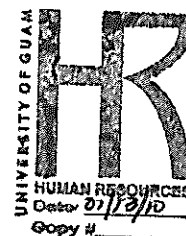
Ye-Kyoung Kim, Ph.D

ye kyoung kim

University of Guam PERSONNEL ACTION

UG-1
Rev 1/05

1. NAME (First, Middle, Last) Ye-Kyoung Kim			2. SOCIAL SECURITY NUMBER: 285-04-5553			3. UOG NUMBER: UG1-0254-10		
4. ADDRESS (Give Zip Code for Mailing Address) PO Box 5042, UOG Station Mangilao, Guam 96923			5. LEGAL AUTHORITY Public Law 19-40 Public Law 23-26			6. ACCOUNT NUMBER: 10-A-631000-N-50121 (SOEL)		
7. NATURE OF ACTION Resignation (Non-Completion of Contract) Full-Time Employee			8. EFFECTIVE DATE 01/12/10			9. EMPLOYMENT PERIOD FROM _____ TO _____		
FROM Assistant Professor			POSITION TITLE 			TO 		
10. GRADE/LEVEL III	11. STEP 9	12. PER HR 	SALARY 			15. GRADE/LEVEL 	16. STEP 	17. PER HR
13. PER ACADEMIC YR \$49,436.00	14. PER ANNUM 					18. PER ACADEMIC YR 		19. PER ANNUM
Academic and Student Affairs			COLLEGE/UNIT 					
School of Education			SECTION 					
			OTHER AGENCY 					
20. RETIREMENT (HRO USE ONLY) A. DC <input checked="" type="checkbox"/> C. DB (f) _____ B. DB _____ D. SOCSEC _____			21. HEALTH INSURANCE (HRO USE ONLY) MED. Y <input checked="" type="checkbox"/> N _____ DEN. Y <input checked="" type="checkbox"/> N _____			22. LIFE INSURANCE (HRO USE ONLY) Y <input checked="" type="checkbox"/> N _____ ENTITLEMENT _____		
23. Remarks: (Note: PERSONNEL ACTIONS FOR NON-ACADEMIC EMPLOYEES ARE SUBJECT TO POST AUDIT BY THE CIVIL SERVICE COMMISSION)								
Authority: - Letter of Resignation dated January 12, 2010.								



24. CHRO (Human Resources)

[Signature] JOHN V. ANGOCO, CHIEF HUMAN RESOURCES OFFICER

Date: 1/13/10

25. Senior Vice President

[Signature] HELEN J.D. WHIPPY, ACADEMIC AND STUDENT AFFAIRS

Date: 1/14/2010

26. President

[Signature] ROBERT A. UNDERWOOD

Date: JAN 15 2010

27. Employee

[Signature] Ye-Kyoung Kim

Date: 01/15/2010

28. Retirement Office

n/a

Date: _____

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